



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB3796**

Introduced 2/10/2017, by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/13.1

from Ch. 38, par. 83-13.1

Amends the Firearm Owners Identification Card Act. Provides that the regulation of the possession or ownership of a rifle or shotgun (rather than assault weapons) are exclusive powers and functions of this State. Provides that any ordinance or regulation, or portion of that ordinance or regulation, that purports to regulate the possession or ownership of any rifle or shotgun (rather than assault weapons) in a manner that is inconsistent with this Act, shall be invalid. Deletes provision that an ordinance or regulation enacted on, before, or within 10 days after the effective date of Public Act 98-63 (July 9, 2013) regulating the possession or ownership of assault weapons is valid. Effective immediately.

LRB100 09827 RLC 19997 b

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Section 13.1 as follows:

6 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

7 Sec. 13.1. Preemption.

8 (a) Except as otherwise provided in the Firearm Concealed  
9 Carry Act and subsections (b) and (c) of this Section, the  
10 provisions of any ordinance enacted by any municipality which  
11 requires registration or imposes greater restrictions or  
12 limitations on the acquisition, possession and transfer of  
13 firearms than are imposed by this Act, are not invalidated or  
14 affected by this Act.

15 (b) Notwithstanding subsection (a) of this Section, the  
16 regulation, licensing, possession, and registration of  
17 handguns and ammunition for a handgun, and the transportation  
18 of any firearm and ammunition by a holder of a valid Firearm  
19 Owner's Identification Card issued by the Department of State  
20 Police under this Act are exclusive powers and functions of  
21 this State. Any ordinance or regulation, or portion of that  
22 ordinance or regulation, enacted on or before the effective  
23 date of this amendatory Act of the 98th General Assembly that

1 purports to impose regulations or restrictions on a holder of a  
2 valid Firearm Owner's Identification Card issued by the  
3 Department of State Police under this Act in a manner that is  
4 inconsistent with this Act, on the effective date of this  
5 amendatory Act of the 98th General Assembly, shall be invalid  
6 in its application to a holder of a valid Firearm Owner's  
7 Identification Card issued by the Department of State Police  
8 under this Act.

9 (c) Notwithstanding subsection (a) of this Section, the  
10 regulation of the possession or ownership of a rifle or shotgun  
11 ~~assault weapons~~ are exclusive powers and functions of this  
12 State. Any ordinance or regulation, or portion of that  
13 ordinance or regulation, that purports to regulate the  
14 possession or ownership of any rifle or shotgun ~~assault weapons~~  
15 in a manner that is inconsistent with this Act, shall be  
16 invalid ~~unless the ordinance or regulation is enacted on,~~  
17 ~~before, or within 10 days after the effective date of this~~  
18 ~~amendatory Act of the 98th General Assembly. Any ordinance or~~  
19 ~~regulation described in this subsection (c) enacted more than~~  
20 ~~10 days after the effective date of this amendatory Act of the~~  
21 ~~98th General Assembly is invalid. An ordinance enacted on,~~  
22 ~~before, or within 10 days after the effective date of this~~  
23 ~~amendatory Act of the 98th General Assembly may be amended. The~~  
24 ~~enactment or amendment of ordinances under this subsection (c)~~  
25 ~~are subject to the submission requirements of Section 13.3. For~~  
26 ~~the purposes of this subsection, "assault weapons" means~~

1 ~~firearms designated by either make or model or by a test or~~  
2 ~~list of cosmetic features that cumulatively would place the~~  
3 ~~firearm into a definition of "assault weapon" under the~~  
4 ~~ordinance.~~

5 (d) For the purposes of this Section, "handgun" has the  
6 meaning ascribed to it in Section 5 of the Firearm Concealed  
7 Carry Act.

8 (e) This Section is a denial and limitation of home rule  
9 powers and functions under subsection (h) of Section 6 of  
10 Article VII of the Illinois Constitution.

11 (Source: P.A. 98-63, eff. 7-9-13.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.